

### **REMARKS**

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 15-18, 20-25, 27-32, 38-51, 56-57, 59 and 64-68 are presently active in this case. The present Amendment amends Claims 15, 22, 39, 46-51, 56-57 and 59; cancels Claims 19, 26, 33-37, 52-55, 58 and 60-63; and adds new Claims 64-68 without introducing any new matter.

The outstanding Office Action rejected Claims 15-32 under 35 U.S.C. §103(a) as unpatentable over Park (U.S. Patent No. 5,627,579) in view of Kennedy et al. (U.S. Patent No. 6,167,255, herein "Kennedy"). Claims 33-39 were rejected under 35 U.S.C. §103(a) as unpatentable over Park and Kennedy in view of Boys (U.S. Patent No. 6,314,094). Claims 40-56 were rejected under 35 U.S.C. §103(a) as unpatentable over Park and Boys in view of Lyons (U.S. Patent No. 6,282,412). Claims 57-63 were rejected under 35 U.S.C. §103(a) as unpatentable over Park and Kennedy in view of Lyons.

To clarify Applicant's invention, independent Claim 15 is amended to recite all the features of Claim 19, to recite "configured to transmit the location-specific information from the mobile device to a service center" and independent Claim 22 is amended to recite all the features of Claim 26. Consequently, Claims 19 and 26 are cancelled.

To vary the scope of protection recited in the claims, new Claims 64-68 are added. New Claim 64 depends upon Claim 15, and recites features regarding a portable housing.<sup>1</sup> New Claims 65 and 67 depend upon Claims 15 and 22, respectively, and recite features regarding the location-specific information.<sup>2</sup> New Claims 66 and 68 depend upon Claims 15 and 22, respectively, and recite features regarding comparing and displaying.<sup>3</sup> The features

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<sup>1</sup> Finds non-limiting support in Applicant's disclosure as originally filed, for example at page 10, lines 25-30.

<sup>2</sup> Idem at page 8, lines 5-9.

<sup>3</sup> Idem at page 6, lines 7-17.

of Claims 64, and 66-67 were already introduced by Claims 33-37. Since new Claims 64-68 find non-limiting support in the claims and in the disclosure as originally filed, they are not believed to raise a question of new matter.<sup>4</sup>

In response to the rejection of Claims 33-39 under 35 U.S.C. §103(a) over Park, Kennedy and Boys, Claims 33-37 are cancelled, and Claim 39 is amended to depend upon independent Claim 22.

In response to the rejection of Claims 57-63 under 35 U.S.C. §103(a) over Park, Kennedy and Lyons, Claims 57 and 59 are amended to depend upon independent Claim 22 and Claims 58 and 60-63 are cancelled.

In response to the rejection of Claims 15-32 under 35 U.S.C. §103(a) over Park and Kennedy, and in view of the amendments to independent Claims 15 and 22, Applicant respectfully requests reconsideration of this rejection and traverses the rejection, as discussed next.

Briefly recapitulating, Applicant's amended independent Claim 15 relates to a mobile device, including a receiver configured to receive program-accompanying digital data; a position locating module configured to determine a current geographic position of the mobile device; a *filter module configured to filter location-specific information* from the program-accompanying digital data based on the current geographic position; and a communications module configured to transmit the *location-specific information* from the mobile device to a service center. Independent Claim 22 recites similar features as a method claim. As explained in Applicant's Specification at page 2, lines 1-28 with corresponding Figure 1, Applicant's invention improves upon conventional mobile devices because the user can define certain categories or subject areas he is interested in by a user profile. It is thereby

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<sup>4</sup> See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

possible to filter out location-specific information of the location of the mobile device, which are related to these categories or subject areas defined by the user.

Turning now to the applied references, Park discloses a vehicle information device for showing direction and distance of travel to a designated geographic location.<sup>5</sup> In Park, multiple geographic points of interest are stored for *selective review by the user*.<sup>6</sup> Park, however, fails to teach or suggest Applicant's claimed filter module configured to filter location-specific information based at least on the location parameters and the current geographic position. The outstanding Office Action asserts that Park teaches such a feature.<sup>7</sup> Applicant respectfully disagrees. Park does not teach or suggest such a filter module configured to filter location-specific information based on the current geographic position, as claimed. In Park, the user himself "collects advertising information for vendors in close and convenient proximity to current vehicle location."<sup>8</sup> Park's user thereby designates filtering criteria, and the filtering criteria disclosed are: types of products or advertised services.<sup>9</sup> In other words, and as shown in Park's Figure 3, Park's user needs to identify the location of the geographic point of interest 100a manually,<sup>10</sup> and can thereby use the vehicle's GPS receiver 80 to identify the current vehicle location 82.<sup>11</sup> Accordingly, Park fails to teach or suggest a filter module using the current geographic position. Applicant's invention has as a goal to solve the deficiencies of Park, since Park's user himself "builds a personalized and current database of geographic points of interest,"<sup>12</sup> while in Applicant's invention, "a user of this mobile device can be supplied with *location specific information* in a targeted way," (emphasis added) as stated in Applicant's specification at page 2, lines 8-10.

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<sup>5</sup> See Park in the Abstract.

<sup>6</sup> See Park in the Abstract, lines 13-16.

<sup>7</sup> See the outstanding Office Action at page 2, lines 23-25, pointing out to Park from column 6, line 4 to column 7, line 11 and in Figure 5.

<sup>8</sup> See Park at column 8, lines 59-62.

<sup>9</sup> See Park at column 8, lines 62-67.

<sup>10</sup> See Park at column 6, lines 59-62.

<sup>11</sup> See Park at column 5, lines 11-16 and in Figure 2.

<sup>12</sup> See Park at column 6, lines 63-65.

Applicant further respectfully submits that the secondary reference Kennedy also fails to disclose the above feature related to a filter module configured to filter location-specific information from the program-accompanying digital data based at least on the location parameters and the current geographic position, as next discussed.

Kennedy teaches a mobile unit coupled to a communications network and configured to direct requests for enhanced services to a Network Switching Center (NSC).<sup>13</sup> The NSC selects an appropriate service request in response to communication included in the service message and information stored in profile tables at the NSC.<sup>14</sup> The service message identifies the mobile unit, the class of service requested, the location of the mobile unit, the priority level of the message, and other information used by the NSC to route the call from the mobile unit to the appropriate service center.<sup>15</sup> Routing a call based on, *inter alia*, location information of a mobile unit, as taught by Kennedy, *is not* filtering location-specific information from the program-accompanying digital data based at least on the location parameters and the current geographic position.

In addition, Kennedy fails to teach or suggest a communications module configured to transmit the *location-specific information* from the mobile device to a service center. The outstanding Office Action confirms that Park fails to teach or suggest the feature regarding the transmission of location-specific information,<sup>16</sup> but asserts that Kennedy discloses a communications system that includes mobile units, which transfers data to a service communication center.<sup>17</sup> Applicant respectfully disagrees since Kennedy's mobile unit is not configured to transmit *location-specific information* from the mobile device to a service center. To the contrary, Kennedy discloses that the mobile unit sends the current location to the service centers and subsequently the "*service center provides enhanced services* to the

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<sup>13</sup> See Kennedy in column 2, lines 10-15.

<sup>14</sup> See Kennedy at column 2, lines 15-18.

<sup>15</sup> See Kennedy at column 2, lines 18-25.

<sup>16</sup> See the outstanding Office Action at page 3, lines 3-5.

<sup>17</sup> See the outstanding Office Action at page 3, lines 8-9.

mobile unit during the communication session.” (emphasis added)<sup>18</sup> Accordingly, a mobile unit sending its *current location* to a service center, as taught by Kennedy, is not a mobile device transmitting *location-specific information* to a service center. As further specified in Applicant’s new dependent Claim 67, the location-specific information includes an identifier for at least one product, service and information request, and such a feature is also neither taught nor suggested by Kennedy.

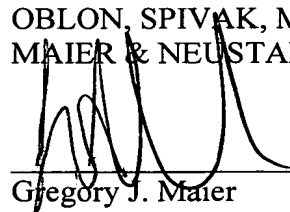
Therefore, even if the combination Park and Kennedy is assumed to be proper, the combination fails to teach every element of the claimed invention. Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these patents.<sup>19</sup>

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 15-18, 20-25, 27-32, 38-51, 56-57, 59 and 64-68 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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<sup>18</sup> See Kennedy at column 2, lines 30-33.

<sup>19</sup> See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."